

Handwritten initials and a dollar sign.



ARNOLD & PORTER LLP

Thomas E. Holsten
Thomas.Holsten@aporter.com
202.942.5085
202.942.5999 Fax
555 Twelfth Street, NW
Washington, DC 20004-1206

November 16, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Conf. No.: 4816
Art Unit: 1637
Examiner: Y.J. Kim

Re: U.S. Patent Application No. 09/394,745 filed September 15, 1999
Inventors: Dane K. FISHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.280

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge \$500 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.280. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.280. A duplicate copy of this letter is attached.

Respectfully submitted,

Enclosures

Thomas E. Holsten (Reg. No. 46,098)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Dane K. FISHER *et al.*

Appl. No.: 09/394,745

Filed: September 15, 1999

Confirmation No.: 4816

Art Unit: 1637

Examiner: Y.J. Kim

Atty. Docket: 16517.280

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed August 16, 2006, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
Fax: 202-942-5999

Date: November 16, 2006

Correspondence Address:
Monsanto Company
800 N. Lindbergh Boulevard
Mailzone E2NA
St. Louis, Missouri 63167
Tel: 314-694-1000
Fax: 314-694-9009

11/17/2006 SZEWDIE1 00000020 502387 09394745
01 FC:1401 500.00 DA